

October 23, 2009

TO: Adrienne Helinski, Field Representative
Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Ursula Cox v. Department of Corrections
Allocation Review Request ALLO-08-104

On July 21, 2009, I conducted a Director's review telephone conference regarding the allocation of Ms. Cox's position. Present during the Director's review conference were you and Ms. Cox, as well as Human Resources Consultants Tina Cooley and Joanne Harmon, on behalf of DOC.

Director's Determination

This position review was based on the work performed for the six-month period prior to September 22, 2008, the date Ms. Cox submitted her request for a position review to DOC's HR Office. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Ms. Cox's assigned duties and responsibilities, I conclude her position is properly allocated to the Office Assistant 3 classification.

Background

Ms. Cox works at a Community Corrections Office located at the Columbia Building in Seattle. On September 22, 2008, Ms. Cox submitted a Position Review Request form to DOC's HR Office in the Northwest Region (Exhibit B-2). Ms. Cox requested that her Office Assistant 3 position be reallocated to a Corrections Officer, Safety Officer, or Security Guard classification. On November 21, 2008, Human Resources Manager Lydia Zamora-White determined the Office Assistant 3 was the appropriate classification for Ms. Cox's position. Specifically, Ms. Zamora-White concluded the majority of Ms. Cox's assigned work included reception and clerical duties in support of office operations (Exhibit A-2).

On December 17, 2008, the Department of Personnel received Ms. Cox's request for a Director's review of DOC's allocation determination.

Summary of Ms. Cox's Perspective

Ms. Cox indicates that she is the only employee assigned to the first floor lobby of the building. As a result, Ms. Cox asserts she provides security and monitors all employees, staff, clients, and visitors who enter the Columbia Building. As the only receptionist in the building, Ms. Cox contends that she monitors the lobby and the front entrance, including the area right outside the front door. Because of the location in downtown Seattle, as well as clients who include prior offenders recently released from incarceration, Ms. Cox states that security is an issue. Ms. Cox points out that Correctional Officers had previously been assigned to work in the lobby and that a private security company maintained security for the building. Since DOC no longer contracts with the security company, Ms. Cox asserts that she performs those security functions for the building. In addition to performing receptionist and clerical duties, Ms. Cox contends she also ensures the safety of the building. Ms. Cox asserts her duties extend beyond the expectations of an Office Assistant 3, and she believes her position should be reallocated to reflect her work as it relates to security.

Summary of DOC's Reasoning

DOC acknowledges the agency previously contracted with a security company. However, DOC contends the agency determined that service was no longer needed. DOC points out that similar to other Community Corrections offices, Ms. Cox's position serves as a primary receptionist performing receptionist and clerical duties in the front lobby. DOC recognizes that Ms. Cox monitors clients and other visitors to the building by checking in visitors and assigning badges. However, DOC asserts the majority of Ms. Cox's assigned duties are clerical in nature. DOC indicates that Ms. Cox performs receptionist work, assists clients with paperwork or helps clients using a kiosk in the lobby, answers questions, and maintains a switchboard. DOC disagrees that Ms. Cox has responsibility for patrolling activities outside of the building. Instead, DOC states that she follows procedures for reporting problems with clients, which include contacting an officer, her supervisor, or calling 911 if necessary. While there may be some safety aspects to her job, DOC contends the majority of Ms. Cox's assigned work involves clerical duties and responsibilities. Therefore, DOC believes the Office Assistant 3 is the appropriate classification for her position.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a

determination of the class that best describes the overall duties and responsibilities of the position. Little-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

The following summarizes the Position Purpose, as described by Ms. Cox on the Position Review Request (PRR) form (Exhibit B-2):

- Provide Protection and Security to all employees, staff, clients and visitors and all who enter the Columbia Building. The building houses several DOC offices as well as DDS /DSHS [Developmental Disability Services with the Department of Social and Health Services].
- Control access to building. Guard the front entrance and elevators. Monitor DOC clients seeing their respective Community Corrections officers, as well as DDS/DSHS clients. Issue and control security badges for access.

During the Director's review conference, Ms. Cox explained that she assigns color-coded badges based on the type of visit. For example, DOC clients have one designated color, DSHS another, and visitors or vendors will also have a distinct color.

- Ensure safety and enforce security and behavioral rules.
- Document incidents, enforce no smoking policy in front of building, and assist law enforcement as necessary.
- Active in DOC Safety program.
- Instruct new employees in the sign-in procedures. Facilitate in evacuating the building. Monitor arrival and departure of employees, email supervisors when employees are planning to be absent or in late. Maintain key cards (badges) for access of building. Report lost key cards.
- Direct visitors and clients to parking areas and other offices. Provide information and assistance to individuals as necessary. Direct outside vendors to their respective designations in the building.
- Respond to public inquiries and superiors. Contact duty officer or local police as needed. Expel loiterers. Report elevator problems to building manger.
- Has knowledge and abilities regarding rules governing access to building, rules of behavior, general safety precautions, and methods in dealing with clients, visitors, and staff. Observe and detect suspicious situations and report to appropriate authorities, including calling 911.

On the PRR, Ms. Cox describes 75% of her duties as monitoring all persons entering the Columbia Building, primarily DOC clients but also DDS/DSHS clients. Ms. Cox dispatches clients to Seattle Intake and South King County (SKC) Intake located on the second and third floors of the building. She also provides the Offender Minimum Management Unit (OMMU) officers with DOC numbers of the clients in the lobby waiting to see their assigned Community Corrections Officer. On the PRR, Ms. Cox also describes 20% of her assigned work as attending the switchboard, providing answers to police, courts, offenders and families, attorneys, and background checks. She also locates Community Corrections Officers (CCO's) in the building and helps offenders with the Kiosk machine, as well as updating their current information, including address, telephone number, and employment. On the PRR, the DOC clients have been referred to as "offenders." However, during the Director's review conference, DOC described the clients as individuals recently released from incarceration and under community supervision as a component of their sentencing.

Ms. Cox reports to Office Support Supervisor 2 Marilyn Russell. Ms. Russell signed the PRR as accurate and complete. Ms. Russell wrote, in part, the following:

Most all decisions Ursula makes are on her own without my prior review. She has to react in the moment to any and all circumstances that come up regarding the safety of Columbia Building personnel. Ursula is the only person on the first floor of the building who intercepts all incoming clients, vendors, visitors, [and] employees in the building. . . .

When considering the assignment of work to Ms. Cox's position, I also reviewed the Position Description Form (PDF), which had been updated in May 2008, approximately four months prior to the request for a position review (Exhibit B-3). On the PDF, the majority of Ms. Cox's key work activities (70%) indicates her position "[c]onducts front reception duties, which includes answering and directing telephone calls as well as assisting and directing clients/visitors/vendors in person." The Position Objective on the PDF also supports receptionist work, which includes using a multi-line telephone system, responding to and directing telephone inquiries, greeting and directing clients and visitors, and notifying CCOs promptly upon an offender's arrival and ensuring entrance safety. The clerical duties identified in the PDF's Position Objective include recordkeeping during the process of moving offenders through their court appearances, incarceration, and community supervision; using computer systems supporting offender file processes; and typing and editing memos and correspondence.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The Class Series Concept for the **Corrections and Custody Officer** classifications states, in part, that positions perform "security work to ensure the safety and security of a correctional institution, facility, or unit, offenders, staff and the public . . ." At the **Corrections and Custody Officer 1** level, positions are considered in-training and perform "security work to ensure the safety and security of an adult correctional institution, facility, or unit, offenders, staff and the public." These positions assist in controlling, directing, and monitoring activities of offenders who are incarcerated at an adult correctional facility. Ms. Cox works at a Community Corrections office where she assists and directs individuals reporting to their assigned Community Corrections Officer. Therefore, the Corrections and Custody Officer 1 is not the appropriate classification for Ms. Cox's position.

Because Ms. Cox works at a Community Corrections office, I also reviewed the **Community Corrections Assistant** classification, which is defined as performing "assigned technical and/or administrative casework functions under the direction of a Community Corrections professional." This classification is distinguished from the Community Corrections Officer series by the restriction from making any decisions regarding offenders that would result in a significant change being made in the case, including decisions invoking a loss of liberty, search or seizure. The typical work examples indicate these positions perform functions like reviewing cases, conducting client intakes, and reviewing files for compliance verification. Ms. Cox reports to an Office Support Supervisor 2 position and in addition to performing reception duties, she performs duties such as processing hearing notices for probation violation or sentencing, which are more clerical in nature. Therefore, the Community Corrections Assistant classification is not the best fit for the duties and responsibilities assigned to Ms. Cox's position.

The definition for a **Security Guard 1** indicates the position "[p]atrols and inspects buildings and grounds and enforces rules of behavior. The typical work statements provide further clarification by indicating that Security Guard 1 positions patrol buildings and grounds by foot and/or vehicle and two-way radio, as well as provide building surveillance. During the Director's review conference, Ms. Cox indicated that she keeps the entrance to the building cleared and will ask individuals loitering in the entry way to leave. She also stated that she enforces no-smoking rules. On the PRR, Ms. Cox indicated that she guards the front entrance, and the PDF notes that she ensures entrance safety. During the Director's review conference, DOC clarified that Ms. Cox is not responsible for enforcing rules or patrolling activities occurring outside of the building. Instead, DOC reiterated that Ms. Cox's primary responsibilities included providing reception to the front lobby of the building.

While I acknowledge Ms. Cox's position has responsibility for monitoring and tracking individuals entering and leaving the building, these functions are in the context of performing receptionist duties. For example, Ms. Cox checks in visitors, issues a badge based on the type of visit to the building, and promptly calls the appropriate CCO when an individual is reporting as part of community supervision. Although Ms. Cox does adhere to security rules, policies, and procedures to ensure safety, the primary scope of her position does not fit the definition or typical work identified in the Security Guard 1 classification. Her position has not been assigned the responsibility of patrolling and inspecting the building and grounds as described by the Security Guard 1 class specification.

The **Safety Officer 1** definition reads as follows:

Positions plan and implement accident prevention programs as a component of environmental health and safety activities. Under general supervision, inspects facilities, equipment and operations to ensure compliance with institution, state and federal safety standards, and codes.

Positions may also administer an agency/institution's comprehensive employee occupational safety and health program to comply with state and the Department of Labors' Occupational Safety and Health Act (OSHA) and the Washington Industrial Safety and Health Act (WISHA) rules, regulations and codes including developing and implementing any agency or geographic unique safety and health programs.

The distinguishing characteristics, in part, further indicate that positions allocated to this class "administer an agency/institutions comprehensive safety and health programs or manage a major component which is characterized as a subprogram of an agency's total safety and health program . . ."

Ms. Cox serves as the safety representative for the Columbia Building and as the safety chair for the King County Region. However, the safety committee includes representatives from other DOC regions and consists of a number of employees in a variety of classifications and positions. The majority of work and level of responsibility assigned to Ms. Cox's position does not fit the level of responsibility identified by the Safety Officer 1 definition or distinguishing characteristics.

The Class Series Concept for Office Assistant positions states that positions perform "a variety of clerical duties in support of office or unit operations." Ms. Cox's position fits within this class series concept. At the **Office Assistant 3** level, the definition reads as follows:

Under general supervision, independently perform a variety of complex clerical projects and assignments such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence such as transmittals and responses to frequent requests for information, establishing manual or electronic recordkeeping/filing systems and/or data base files, and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures. Positions may perform specialized complex word processing tasks in a word processing unit or complex rapid data inquiry and/or entry functions.

The Office Assistant 3 distinguishing characteristics include the following:

Assignments and projects are of a complex nature. Independent performance of complex clerical assignments requires substantive knowledge of a variety of regulations, rules, policies, procedures, processes, materials,

or equipment. Problems are resolved by choosing from established procedures and/or devising work methods. Guidance is available for new or unusual situations. Deviation from established parameters requires approval. Work is periodically reviewed to verify compliance with established policies and procedures.

Positions typically provide work direction to lower level staff and may assist in training new staff.

Some of the typical work examples identified at the Office Assistant 3 level most in line with Ms. Cox's duties and responsibilities include:

- Resolving problems and responding to inquiries regarding rules, regulations, policies, department procedures, and department services; answering telephone; receiving and referring visitors;
- Reviewing documents, records . . . for completeness, accuracy, and compliance with rules; determining and explaining action necessary to achieve compliance or approval;
- Composing office correspondence such as requests for documentation and responses to requests for information; devising, evaluating and revising forms for internal use.

During the Director's review conference, Ms. Cox raised issues regarding safety and indicated that DOC had previously contracted with a private security company. Ms. Cox subsequently provided a copy of the contract to illustrate security functions previously performed (Exhibit C-6). In response, DOC indicated the agency ultimately determined a security guard was not needed (Exhibit C-1). While I understand Ms. Cox has safety concerns, the appropriate channel for addressing any safety issues is through her internal chain of command. An allocation review is limited to a comparison of assigned duties and responsibilities to the available job classifications.

I recognize there is an element of safety involved in the work Ms. Cox performs. It is clear Ms. Cox exhibits a strong commitment to ensuring a safe environment in the Columbia Building. The Board has previously held that most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Based on the overall scope of work assigned to Ms. Cox's position, the Office Assistant 3 best encompasses the majority of her position's duties and responsibilities.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Ursula Cox
Tina Cooley, DOC
Joanne Harmon, DOC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

URSULA COX v DOC

ALLO-08-104

Exhibit List

A. Filed by WFSE December 17, 2008:

1. Director's Review Request form with description of duties attachment.
2. DOC allocation determination, November 21, 2008.

B. Filed by DOC February 9, 2009:

1. DOC allocation determination, November 21, 2008.
2. Position Review Request (received by HR September 22, 2008.)
3. Position Description form dated May 27, 2008
4. Class Specification Security Guard 1
5. Class Specification Safety Officer 1
6. Class Specification Office Assistant 3
7. Class Specification Community Corrections Officer 2
8. Class Specification Corrections and Custody Officer 1

C. Follow-up email correspondence after Director's review conference.

1. August 5, 2009 email to Teresa Parsons from Tina Cooley, regarding DOC's elimination of Security Guard position.
2. August 17, 2009 email to Teresa Parsons from Ursula Cox referencing security contract.
3. August 18, 2009 email to Ursula Cox from Teresa Parsons and Tina Cooley regarding the security contract exhibit (as a reference to Ms. Cox's comments).
4. August 18, 2009 email from Teresa Parsons to Ursula Cox regarding Ms. Cox's safety concerns.
5. Cover email page (copy of the email in exhibit C-2) included with security contract.
6. State of Washington Current Contract (security contract) (considered as background/reference to Ms. Cox's comments but outside the scope of allocating criteria).